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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC
TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-2068

TERESA JO BROSC AKA TERESA JO
MILLER AKA TERESA JO BARNETT

A C C U S A T I O N

1501 Cherry Hill Street
Ontario, CA 91761

Vocational Nurse License No. VN 201024

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about September 9, 2002, the Bureau of Vocational Nursing and
Psychiatric Technicians (Bureau) issued Vocational Nurse License No. VN 201024 to
Teresa Jo Brosch aka Teresa Jo Miller aka Teresa Jo Barnett (Respondent). The Vocational
Nurse License was in full force and effect at all times relevant to the charges brought herein and
will expire on October 31, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Bureau under the authority of the following laws. All section references are to the Business and Professions (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 101.1(b) of the Code states:

"(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

"(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department."

5. Section 118, subdivision (b), of the Code provides, in pertinent part, that the suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 477 of the Code states:

As used in this division:

"(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

"(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code."

7. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may

1 discipline the holder of a vocational nurse license for any reason provided in Article 3
2 (commencing with section 2875) of the Vocational Nursing Practice Act.

3 8. Section 2878 of the Code states:

4 "The Board may suspend or revoke a license issued under this chapter [the
5 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

6 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

7

8 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
9 abetting the violating of, or conspiring to violate any provision or term of this chapter.

10

11 "(j) The commission of any act involving dishonesty, when that action is related
12 to the duties and functions of the licensee."

13 9. Section 2878.5 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person
16 licensed under this chapter to do any of the following:

17

18 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
19 entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as
20 specified in subdivision (b)."

21 REGULATORY PROVISIONS

22 10. California Code of Regulations, title 16, section 2518.6, states:

23 "(a) license vocational nurse shall safeguard patients'/clients' health and safety
24 by actions that include but are not limited to the following:

25

26 "(2) Documenting patient/client care in accordance with standards of the
27 profession; and

28

1 “(b) A licensed vocational nurse shall adhere to standards of the profession and
2 shall incorporate ethical and behavioral standards of professional practice which include but are
3 not limited to the following

4 “(c) A violation of this section constitutes unprofessional conduct for purposes
5 of initiating disciplinary action.”

6 11. California Code of Regulations, title 16, section 2521, states:

7 “For the purposes of denial, suspension, or revocation of a license pursuant to
8 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
9 act shall be considered to be substantially related to the qualifications, functions or duties of a
10 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
11 licensed vocational nurse to perform the functions authorized by her license in a manner
12 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
13 limited to those involving the following:

14 “(c) Violating or attempting to violate, directly or indirectly, or assisting in or
15 abetting the violation of, or conspiring to violate any provision or term of chapter 6.5, Division 2
16 of the Business and Professions Code.

17 12. **DANGEROUS DRUGS/CONTROLLED SUBSTANCES**

18 a. “Dilaudid,” an opium derivative, is a Schedule II controlled substance as
19 designated by Health and Safety Code section 11055 subdivision (b)(1)(k), and is categorized as
20 a dangerous drug pursuant to Business and Professions Code section 4022.

21 b. “MedSelect” is a computerized automated single-dose medication
22 distribution and management system. Medications can be withdrawn from the dispensing station
23 only by an authorized staff person using his or her own personalized access code. The dispensing
24 station makes a record of the medication and its dose, date and time it was withdrawn, the user
25 identification, and the patient for whom it was withdrawn.

26 **COST RECOVERY**

27 13. Section 125.3 of the Code provides, in pertinent part, that the Board may
28 request the administrative law judge to direct a licensee found to have committed a violation or

violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Obtain, Possess and Self-Administer Controlled Substance)

14. Respondent is subject to disciplinary action under sections 2878, subdivision (a) and (d), on the grounds of unprofessional conduct as defined in section 2878.5, subdivision (e), in that on and between February 28, 2007, and March 17, 2007, while employed by Pomona Valley Hospital Medical Center, Pomona, California, as a licensed vocational nurse, Respondent did the following:

Patient MRN: 868818

On or about March 1, 2007, at 2323 hours, Respondent withdrew Dilaudid 2 mg IVP from the MedSelect for this patient. Respondent was not assigned to this patient. Physician's order was for Dilaudid 1mg IVP at 2140 hours for this patient. Respondent failed to account for the administration of 2 mg of Dilaudid to this patient in any hospital record.

Patient MRN: 252028

On or about March 1, 2007, at 0636 hours, and again at 1925 hours, Respondent withdrew Dilaudid 2 mg IVP from the MedSelect for this patient. She wasted 1 mg of Dilaudid at 0700 hours. Respondent was not assigned to this patient. There was no physician's order for Dilaudid for this patient. Respondent failed to account for the administration of 4mg of Dilaudid to this patient in any hospital record.

Patient MRN: 324422

On or about March 17, 2007, at 2057 hours, Respondent withdrew Dilaudid 2mg IVP from the MedSelect for this patient. There was no physician's order for Dilaudid for this patient. Respondent failed to account for the administration of 2 mg of Dilaudid to this patient in any hospital record.

Patient MRN: 931956

On or about March 17, 2007, at 0023 hours, Respondent withdrew Dilaudid 4 mg IVP from the MedSelect for this patient. She wasted 4 mg of Dilaudid at 0613 hours.

1 Respondent was not assigned to this patient. There was no physician's order for Dilaudid for this
2 patient. Respondent failed to account for the administration of 4mg of Dilaudid to this patient in
3 any hospital record.

4 SECOND CAUSE FOR DISCIPLINE

5 **(Falsified, Made Incorrect or Inconsistent Entries in Hospital or Patient Records)**

6 15. Respondent is subject to disciplinary action under section 2875 of the
7 Code for unprofessional conduct in violation of section 2878.5, subdivision (e) of the Code in
8 that while on duty at Pomona Valley Hospital Medical Center, Pomona, California, she falsified,
9 made incorrect, inconsistent or unintelligible entries in hospital and patient records.

10 THIRD CAUSE FOR DISCIPLINE

11 **(Dishonest Acts)**

12 16. Respondent is subject to disciplinary action under sections 2878 of the
13 Code and 2878, subdivision (j) of the Code, on the grounds of unprofessional conduct, in that
14 Respondent committed dishonest acts as described in paragraphs 14 and 15 which are
15 incorporated herein.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Bureau issue a decision:

19 1. Revoking or suspending Vocational Nurse License No. VN 201024,
20 issued to Respondent;

21 2. Ordering Respondent to pay the Bureau the reasonable costs of the
22 investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3, and

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28 ///

3. Taking such other and further action as deemed necessary and proper.

DATED: December 30, 2008



TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Bureau of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

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